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THE PRESIDENT'S ATTACK ON THE SENATE

BY DAVID JAYNE HILL

A YEAR has passed since Germany, abandoned by her allies, beaten and broken, sued for an armistice, in the hope of negotiating peace on terms which had been proposed by the President of the United States.

Strict compliance with those terms, if construed as Germany expected them to be construed, would have admitted her to the Peace Conference after the Kaiser's abdication, as a negotiator in her own right and entitled to equal membership in "a general association of nations," to be formed for the purpose of affording to her, as to other States, "mutual guarantees of political independence and territorial integrity."

In the United States there arose a loud protest against treating Germany, even under a democratic disguise, as a Power entitled to negotiate peace upon equal terms with those she had attacked. It was believed, and it has since been established beyond the possibility of doubt, that Germany sought peace only because she was incapable of further military action, that the armistice should be granted only after unconditional surrender, and that a severe punitive peace should be imposed upon a nation that had broken its solemn pledges, assaulted its neighbors without provocation, and violated ruthlessly the laws of war.

While accepting the President's fourteen rubrics of peace as a nominal, but essentially indefinite, basis of peace-making, the Entente Allies, believing that the military situation should be more controlling than any theory of peace, drew the terms of the armistice in a manner that compelled the German forces to confess the military impotence to which they had been reduced. To all who were familiar

with the European situation, it was at once evident that the definitive formulation of the terms of peace at Paris would proceed upon the basis of fact evidenced by the armistice, and not at all in conformity with the President's plan of a peace without victory embodied in the fourteen points.

The President himself, although but vaguely aware of the obstacles to be overcome in evolving out of the situation a peaceful Europe, was convinced that nothing short of American participation in the peace settlement could maintain the authority of the fourteen points. Given the part the United States had taken, under the spontaneous inspiration of the people, in bringing the war to a successful termination, and the importance to the Entente Allies of continued American aid, he believed that, if he could centralize in his own hands the whole force and influence of America, he could practically dictate the process of peace-making at Paris and thus be able to direct the future of Europe and of the world.

That the action the President had in view was, to his mind, in the interest of permanent peace, no fair-minded man, I believe, can reasonably doubt. He was, it may be conceded, actuated by a desire to achieve what he considered an incalculable human benefit. But in the execution of his purpose he trusted neither Europe nor America. His obsession was that he, and he only, could accomplish the result. It was not to be obtained by argument, by discussion, or by any other means than action. He alone could bring to bear the motives and exert the influence which would constrain the otherwise refractory Powers to accept conditions which would achieve universal and perpetual peace. The pacific aspirations of the liberated peoples, the methods of democracy, and the lessons of the war were not, he thought, of themselves to be counted on to produce the desired result. No general discussion would be profitable. No public exchange of views was necessary. Only one course was practicable. This was for him personally to go to Europe and personally to control the negotiations. To accomplish this, it was, however, important that he should be in a position to claim complete and undivided authority, in the name of the United States, to grant or to withhold whatever concession, aid, or influence might be found necessary to induce compliance with his proposals. This monop-

oly of power, he believed, he would not possess unless the constitutional provisions for treaty-making were rendered inapplicable by his control of his partner, the Senate, in the treaty-making process. If it could be made apparent that he, as President, alone represented the united will and resources of the American people, if a Congress could be elected composed of persons belonging to his own political party, and controlled by him, then it would be understood in Europe, and would have to be admitted at home, that the President, singly and alone, possessed a mandate to express the will of the American people and to act without restriction on their behalf.

What I wish at this point to emphasize is that, while claiming to repudiate the methods of the old diplomacy, that is, of pressure and bargaining, it was upon precisely this procedure that the President meant to rely. The Entente Allies, who had with American assistance completely vanquished Germany, were to surrender a part of their victory in the interest of future peace. A reformed and democratized Germany was to be received in good faith, after certain renunciations, into the general association of nations, and the Entente Allies were to make in their turn certain renunciations as the basis of peace and good understanding; such, for example, as the surrender of Great Britain's claim to maritime supremacy, which the President thought was a contradiction of the "freedom of the seas," and the inclusion of Germany in the League for mutual protection, which, however offensive to France after the treatment she had received from Germany, would secure to her the protection of the League.

It was, of course, understood by the President that the Entente Allies would not be inclined to make these renunciations voluntarily; and that, in order to secure them, strong pressure must be exerted. This could be done only in case the influence of America were brought to bear upon them in such a manner as to make it clear that her continued support could not be expected unless these renunciations were conceded. In brief, the United States, the President thought, by exerting its influence as the holder of the balance of power, could produce a situation in Europe which would control the decisions of all the nations, and thus enable peace to be organized upon a permanent basis.

The theory was superficially plausible. The victors in the war, without America's support, were at the time of the armistice little better off than the vanquished. The opportunity for control seemed great. History did not record an occasion for diplomacy more attractive to a lover of power, who could so readily answer every suggestion of personal ambition by pointing to the glorious ideal of peace. No nation could resist the force of such an appeal. If governments opposed it, then it would be the end of governments. A new order would take their place, as it had already done in Russia.

The chance for exercising the preponderant influence of the United States in forcing compliance with the fourteen points was imperilled by the possibility of Germany's unconditional surrender. If that happened, the victory of the Entente Allies would be so complete that no compromise would be possible. The victors would themselves, in that case, dictate a punitive peace, and the occasion for enforcing upon them any plan by diplomatic pressure would have passed.

The negotiations for an armistice, therefore, presented a delicate situation. In the United States there was a strong demand for unconditional surrender, but the President did not desire that. On October 23rd, 1918, he had succeeded in preventing it. On that day the Secretary of State addressed the following note to a defeated Germany: "Having received the solemn and explicit assurance of the German Government that it unreservedly accepts the terms of peace laid down in his address to the Congress of the United States on the 8th of January, 1918, and the principles of settlement enunciated in his subsequent addresses, particularly the address of the 27th of September, and that it desires to discuss the details of their application and that this wish and purpose emanate not from those who have hitherto dictated German policy and conducted the present war on Germany's behalf, but from Ministers who speak for the majority of the Reichstag and for an overwhelming majority of the German people; . . . the President of the United States feels that he cannot decline to take up with the Governments with which the Government of the United States is associated the question of an armistice."

Before the proposal of an armistice had been formally submitted to the Entente, the President's fourteen rubrics of peace had been thus accepted by Germany. They were the pivot upon which the question of an armistice had been made to turn. Whatever the terms of the armistice itself, even though involving an absolute surrender, there was thus imposed one condition that affected the process of negotiating peace,—the President's influence in the Peace Conference; as interpreter of his proposals, had been secured. It was only a question of a little time when the great diplomatic opportunity would be ripe, and immediate preparation to utilize it was undertaken.

The near approach of a Congressional election gave the President an opportunity to inquire of the people whether or not they wished to give him *carte blanche* at the coming Peace Conference. A fair way to ascertain their disposition in this regard would have been to propose some policy in definite terms, and to ask the electors to vote upon it on the 5th of November. But the President did not desire an expression of the people's will regarding a League of Nations or any other particular policy. What he desired was that he should ostensibly be authorized to act in any way he might deem fit, without responsibility to anyone, and especially without being obliged to subject his personal plans to the advice and consent of a Senate which he could not, as a party leader, confidently control. Two days after the question of an armistice was virtually settled, therefore, the President took the unprecedented step of issuing the following "Appeal to the Electorate for Political Support":

"If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman in affairs at home and abroad, I earnestly beg that you will express yourselves unmistakably to that effect by returning a Democratic majority to both the Senate and the House of representatives. I am your servant and will accept your judgment without cavil, but my power to administer the great trust assigned me by the Constitution would be seriously impaired should your judgment be adverse, and I must frankly tell you so because so many critical issues depend upon your verdict. No scruple of taste must in grim times like these stand in the way of speaking the plain truth."

By large majorities the electors of the United States gave their answer. If being an "unembarrassed spokesman" depended upon this response, the President's aspiration for unlimited control of "affairs at home and abroad" was denied by the election of a Republican majority in both Houses of Congress. Without impairing in the slightest degree his power to administer the great trust assigned to him by the Constitution, the voters openly and emphatically refused to grant him the extra-constitutional power he had demanded, and in effect impressively reminded him that a strict fulfilment of his duty to observe the requirements of the Constitution was what they desired and expected of him. For the purposes of prosecuting the war both parties had supported him loyally. The opposition party, though constantly reproached because it was not "pro-Administration," had united in giving him grants of power unprecedented in our history, and in fact exceeding those accorded to the head of any other government engaged in the war. They had made the President almost a dictator.

How fully he realized his dictatorship was evinced by the startling self-confidence with which the President stated the issue. "The return of a Republican majority to either House of Congress would, moreover," he declared, "be interpretative on the other side of the water as a repudiation of my leadership. It is well understood there as well as here that Republican leaders desire not so much to support the President as to control him . . . They would find it very difficult to believe that the voters of the United States had chosen to support their President by electing to the Congress a majority controlled by those who are not, in fact, in sympathy with the attitude and action of the administration."

Having decided to demand this test, it was reasonable to suppose that the President meant to abide by it. But he did not do so, either before or after the election. Before the election, he endeavored personally to influence the result by preventing the choice of senators whom he feared he could not control even though they were Democrats, and by urging the choice of others,—statesmen of the type of Henry Ford, for example,—whom he believed he could control, although they were nominally Republicans; and, after the election, he

assumed that, all the same, he was still an "unembarrassed spokesman," although, by his own test, his leadership had been plainly repudiated. The whole world then knew with what it had to deal. In England, where statesmanship is largely governed by the rules of honorable sport, every sportsman understood that the rules of the game were of small importance to Mr. Wilson; and that, if he could not really win, he would not be averse to maintaining that he had not actually lost. Whatever happened, he could be satisfied, so long as any chance was left open to make it appear that he had somehow won. From that moment the course to be pursued at Paris by Great Britain became clear. The "Constitution of the League of Nations" would be written by General Smuts, and the President of the United States would accept it as what he came to Europe to obtain.

One other matter also was made clear. Mr. Wilson did not really believe in democracy. When it served him he approved of it, but when it denied him what he wanted he tried to outwit it. In temperament he was an imperialist. He wanted to enforce peace upon his own terms. He should be shown that peace could not be enforced without the sea-power of Great Britain. If this supremacy was incidentally employed to promote the special interests of the British Empire, that did not diminish its value as a means to enforce peace. Democracy, alone and unaided, seldom enforced anything, and it was only an imperialized democracy that could enforce its will. Trading with Mr. Wilson would, therefore, be easy. America had not authorized him to issue any ultimatum. He would, undoubtedly, take what he could get; and it was forthwith resolved that Great Britain would give up nothing and forego nothing that implied a limitation of her imperial policies.

That the President openly repudiated democracy when he declined to accept the result of the test to which he had, in a moment of arrogance, unwisely subjected himself, was well understood by all who at the time reflected upon his action, and to many it occasioned no surprise. He had, in fact, ceased to be a democrat. He had more than once shown his contempt for that "common counsel" which in his first electoral campaign he had emphasized as democracy's preeminent attribute. He had become a convert to the idea

of the omnipotent administrative State and the uncontrolled predominance of its head. In combating the Kaiser, the President had been permitted to exercise powers which the German Emperor had never even claimed. This had been necessary, because a war-lord, to be successful, must possess all the war powers; and these had been freely conferred upon him. Suddenly he found himself face to face with the problems of peace, but failed to remember that democracy has no place for a peace-lord.

Not being able to obtain the control of Congress which he had demanded, he resolved simply to ignore the Senate, which it was his constitutional duty to consider as a partner in the process of treaty-making. The method of exhibiting this disregard he had long before worked out;—the only writer, I believe, who had distinctly envisaged as possible a deliberate disregard of constitutional duty, which he had suggested might be evaded even when an obligation to perform it could not be denied.

The passages in the President's *Congressional Government* here referred to have been frequently cited, but all their implications have not, I think, been fully realized. His comments are as follows:

The greatest consultative privilege of the Senate—the greatest in dignity, at least, if not in effect upon the interests of the country—is its right to a ruling voice in the ratification of treaties with foreign powers . . .

The President really has no voice at all in the conclusions of the Senate with reference to his diplomatic transactions, or with reference to any of the matters upon which he consults it . . .

He is made to approach that body as a servant conferring with his master, and of course deferring to that master. His only power of compelling compliance on the part of the Senate lies in his initiative in negotiation, which affords him a chance to get the country into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State.

The last paragraph of this citation speaks for itself. Although constitutionally bound, it declares, under his oath of office, to respect the prerogative of the Senate in offering its advice and withholding its consent in the making of treaties, the President may, nevertheless, "compel compliance" with his own views and engagements "by getting the country into such scrapes," or "so pledged in the view of the world," that the Senate would hesitate to bring about

an appearance of dishonor by refusing to approve of the action of the Executive.

Did the President deliberately resort to this method when, in December, 1918, he went to Europe to form a League of Nations?

If he had intended to pledge the country, in the view of the world, to certain courses of action which the Senate would hesitate either to ratify or to oppose, he could not have pursued a course better adapted to produce this effect than the one he adopted. Neither the Senate nor, so far as is known, the President's own Cabinet, knew precisely what he intended to do. There are those who contend that he did not know himself. The one thing certain is that he did not intend to seek any advice from the Senate, either by previous conference regarding the difficult problems of the peace settlement, or through the presence at Paris of one of its members in the Peace Commission. Having opposed the selection of Senators by the free will of the electorate, in order that he might be an "unembarrassed spokesman in affairs at home and abroad," the President announced to the Congress, in his parting message of December 2nd, 1918:

I welcome this occasion to announce my purpose to join in Paris the representatives of the Governments with which we have been associated in the war against the Central Empires for the purpose of discussing with them the main features of the treaty of peace. I realize the great inconvenience that will attend my leaving the country, particularly at this time, but the conclusion that it was my paramount duty to go has been forced upon me by considerations which I hope will seem as conclusive to you as they have seemed to me. The Allied Governments have accepted the bases of peace which I outlined to the Congress on the 8th of January last, as the Central Empires also have, and very reasonably desire my personal counsel in their interpretation and application, and it is highly desirable that I should give it, in order that the sincere desire of our Government to contribute without selfish purpose of any kind to settlements that will be of common benefit to all the nations concerned may be made fully manifest.

There was here no request for the Senate's approval either of the purpose of the President to leave the country and personally conduct the negotiations at Paris or of the commissioners selected to accompany him. The cables and the wireless, then just taken over by the Government and under its control, would be available, he said, "for any counsel or service you may desire of me;" but it was not intimated that they would be available for any advice or suggestions to him on the part of the Senate, no member of which

was invited to join the mission. The President plainly intended to present the Senate with a *fait accompli*.

There was much that was unusual in this procedure. The retinue of the mission, it is reported, contained more than thirteen hundred persons, of varied but undefined attainments in history, geography, ethnology, cartography, publicity, finance, and the cryptic arts of suppressing and censoring news, not one of whom enjoyed the honor of having his name sent to the Senate for the confirmation of his appointment, although the aim of the expedition was so momentous a task as the reorganization of the world. Experience in international business, in so far as it was represented, was conspicuously subordinated to inexperience. Radical journalism was conspicuously honored. If "advisers" were present, it was apparently not for their "advice" that they were enrolled in this formidable phalanx engaged in the reconstruction of Europe. There was, however, an abundance of atmosphere for the creation and transmission of "voices in the air."

No plenipotentiary of any country had ever been accompanied by such an apparatus for the making of peace. Bound by no instructions, restrained by no power of review or recognized control at home, the President was, as he assumed, "acting in his own name and by his own proper authority." Constitutionally, he had a partner in the solemn process of treaty-making, "by and with" whose "advice and consent" he was required to act by the same charter of government from which his own proper authority was derived; but this was of little importance to those with whom he was to negotiate, since no one could challenge his representative character.

The President's most loyal admirers and supporters had questioned not only the wisdom but even the legality of his leaving the country for a considerable period of time, in the midst of the serious domestic problems that were looming up before the country; and great journals devoted to himself and to his policies urged him not to absent himself from Washington at such a critical juncture. It was pointed out that it was of the utmost importance for the President to keep in close touch with the sentiment of the country as the various steps in the process of peace-making would be brought under discussion and public opinion would take on

sharper definition. Friendly attention also was called to the fact that, if "open covenants" were to be "openly arrived at," it would be wise for the American commissioners to receive written instructions, in order that they might be held accountable for their conduct; and it was made plain that it would lay the President open to a subsequent charge of practicing secret diplomacy if, without intermediaries or public records as a refutation of such insinuations, he personally should undertake by oral communication with foreign negotiators to consummate transactions involving the give and take of diplomatic bargaining. It should never be possible, it was maintained, that the President's course could thus be made a source of future embarrassment to him or to his country. His aims should be so clear and constant, and so supported by the utmost possible evidence of concurrent approval by his own countrymen qualified to judge of such matters, that the country would present a united front. Happily, the means of avoiding future controversy were well known and already established in the traditional usages and safeguards of American constitutional practice in the conduct of foreign affairs.

While it was true that the American people were divided as regards their confidence in the President's personal judgment concerning international matters, in which he had so frequently failed to grasp the purport of current events, there was nowhere, I think, a disposition to impede in any manner the making of a speedy and a just peace, and it was universally recognized that responsibility for this would be largely his. The general thought of the nation was that the time had come to punish Germany for her crimes, to render impossible a repetition of them in the future by immediately destroying militarism, to open thereby a prospect of future peace with justice to all nations, and to get back as soon as possible to normal life under the Constitution and the Law of Nations. If the expression "League of Nations" meant that,—and many thought it did,—then a League of Nations was desired. If it meant new wars, the suppression of self-determination by the small States, the centralization of power in a few great nations, a secret trusteeship of others acting nominally for the general good but in reality for their own aggrandisement and permanent control by internal bargaining; in short, if it meant any form of imperialism, how-

ever disguised, and above all if national independence was in any way to be surrendered, these were not the objects for which the war had been fought, and that kind of a League was not desired. Nor was it a common opinion that America's part in the war or responsibility for the future of Europe were of such proportions as to entitle the United States to dictate the terms of peace. The nations that had suffered most should take the lead in determining the kind of future that would give them the best security. The American people were disposed to help them, and above all to be loyal to them, in seeing that the common enemy should not after all be triumphant in the terms of peace or afterward.

When, therefore, Mr. Wilson began his visits and speech-making in Europe, pleasure was at first experienced in America in witnessing the honor shown to the President of the United States, and in the fact that he was so well received in the allied countries. His speech in response to the greeting of President Poincare, at Paris, on December 14, 1918, was admirable, and expressed with eloquence and propriety the sentiments of the American people. In subsequent addresses high and noble sentiments were expressed, but it was evident to observing minds that these public speeches had the tendency, and were apparently designed, to weaken the faith of the people in their own past and to suggest a new leadership, which Mr. Wilson himself might supply; and this was rendered still clearer when, after his return to America, he said: "When I speak of the nations of the world, I do not speak of the governments of the world. I speak of the peoples who constitute the nations of the world. They are in the saddle and they are going to see to it that if their present governments do not do their will, some other governments shall. And the secret is out and the present governments know it."

The really dangerous character of the influence thus exercised was that Mr. Wilson held out hopes which were not capable of being realized, and represented a state of things that did not exist. The nations were, in fact, very far from that "communion of ideals," "unity of command," and "common understanding" which the President attributed to them. What the people really needed was the truth, and not "visions on the horizon."

I do not mean to imply that the President was not sincere in all he said in those speeches. No one can read them without feeling their moral fervor. Therein lay the danger they created. They awakened hope which neither the governments nor the people themselves were able to fulfil. Europe was nervous, hungry, excited, impoverished, and full of jealousies. Mr. Wilson's gospel was a creed regarding a world to come. It had all the potency for stirring the emotions, and therein concealed all the perils, of a religious revival. Many thought the Messiah had come. But suppose the trading in the temple should go on unhindered! "The Socialist journalists in France who then hailed him,"—as an English writer puts it,—“as ‘he who should have redeemed Israel,’ are now venting their disappointment in unmeasured language, and speaking of him as ‘the great vanquished’ and ‘the fallacious hope of a day.’”

On February 14, 1919, the "Constitution of the League of Nations" was promulgated at Paris, the work of five Great Powers sitting in secret as a Supreme Council. This document was read to the representatives of fourteen nations and then published as approved by them. It was praised by Mr. Wilson in the plenary session of the Conference, and received in the United States as if it were the President's personal triumph.

A few words will serve to recall the incidents attending the reception and discussion of this document in the United States. The President had sent word that until his arrival it should not be discussed. On February 24th he landed at Boston and an address by him was announced. Two important facts had by that time been brought to public attention: first, that the Conference at Paris had constituted a new corporate entity possessing important powers and organs of power, under the control of five of the greater Governments; and, second, that nothing had so far been done to make peace with Germany or to punish her crimes. The situation required explanation, and the President's address was looked forward to with deep and widespread interest.

Either, it was thought, he would avail himself of this earliest opportunity to present to the American people a clear exposition of the meaning and purpose of this new "Constitution," or he would postpone all reference to it until he had conferred with the Senate at Washington. To

the surprise of everyone, the President took this occasion to express his personal resentment of any criticism of this "Constitution," declared that he possessed "fighting blood," and would consider it an "indulgence to let it have scope." He then proceeded to denounce all the critics of the League as wishing to have America "keep her power for those narrow, selfish, provincial purposes which seem so dear to some minds that have no sweep beyond the nearest horizon."

It was perceived at once that the President meant to impose this "Constitution" upon the country, in spite of what the Senate might have to say about it. A conference with the Committee on Foreign Relations occurred at the White House, which brought out the fact of general opposition by the Senate. This "Constitution," it was declared, was in conflict with the Constitution of the United States, in as much as it created a super-government, automatically made the peace of the United States contingent upon the acts of other nations bringing into operation certain obligations, which included the war-making power conferred upon Congress, and created a permanent alliance with a group of nations who proposed to control the world in the name of peace.

It is needless here to enter into the discussion of this subject, which has been amply considered in this Review, or to repeat the terms of opprobrium and contempt, both privately and publicly expressed, applied to the Senators who refused to fall down and worship this image, and were even presuming to call attention to its feet of clay, some of the most contemptuous of these denunciations emanating from the President himself. On March 3rd, a resolution was signed by thirty-nine Senators, referring to the article of the Constitution which renders necessary to the ratification of a treaty the advice and consent of the Senate. The resolution recalled the fact of the continued session of the Conference at Paris before which the proposal of a League of Nations was still pending, and alleged it to be the sense of the Senate that, while it is the sincere desire that the nations of the world should unite to promote peace and general disarmament, the "Constitution of the League of Nations" in the form proposed by the Peace Conference should not be accepted by the United States. The resolution further expressed the sense of the Senate that the negotiation of

peace terms with Germany should be pressed with the utmost expedition, and that the proposal for a League of Nations to insure the permanent peace of the world should then be taken up for careful and serious consideration. On the following day, March 4th, in a speech delivered in New York immediately before his return to Paris, the President in reply flung down his challenge in the words: "When that treaty comes back, gentlemen on this side will find the covenant not only in it, but so many threads of the treaty tied to the covenant that you cannot dissect the covenant from the treaty without destroying the whole vital structure."

The attempts to secure certain amendments to the "Constitution of the League of Nations," as presented in February, have been fully discussed in a previous number of this Review. It is well known that they were only partially successful, and neither removed the objections to the original draft nor embodied the international ideals which have long been current in the United States. When, therefore, the final form of the so-called "Covenant" was sent to this country, on April 28th, the word "Constitution" having been dropped, the "Executive Council" having become simply the "Council," and the "Body of Delegates" the "Assembly,"—superficial changes which were meant to remove or obscure the power of the League as a corporate entity or international voting trust—it was even clearer than before that the design had been to create an instrument of power rather than an institution of justice.

Although upon the President's return to Paris in March the work of the Conference had so far advanced that a provisional treaty of peace with Germany was reported as almost complete, he carried into execution his purpose to interweave the Covenant and the Treaty of Peace in an inextricable manner by making the former the first article of the latter, and the ostensible agent for its enforcement. The Covenant, though published separately, was to constitute the first article of the Treaty of Versailles. The League of Nations which was to have been a "general association of nations," or a complete Society of States, was thus converted into an alliance between a group of Powers established to enforce the Treaty of Peace. The organ of universal peace

and conciliation had become a confessed instrument of undefined punishment.

Although the Treaty of Versailles in its entirety was long withheld from the Senate, the campaign for the adoption of the League of Nations went steadily on. No one knew, or could discover, to what precise obligations the Treaty of Versailles and other subsidiary treaties would bind the members of the League. They were, however, to be blindly accepted. When, at last, although it had long been published and on public sale in Europe, a copy could be obtained only privately from financiers in New York, and was thus laid before the Senate, it was ascertained that it was to "the Allied and Associated Powers," and not to the League, that Germany made her concessions; yet the League was bound to preserve to the beneficiaries of the Treaty all the unknown territorial accessions assigned to them, as well as the territorial integrity of all the surviving empires.

It was a reasonable proposition that the Senate, before giving its advice and consent, should separate the two disparate documents, the Covenant of the League of Nations and the Treaty with Germany. The President and his supporters in the Senate refused to permit this. They demanded the immediate ratification of the whole commitment, without amendment or reservation; or, as the President's supporters insisted, "without the dotting of an i or the crossing of a t."

This demand, considered merely as a partisan attitude, may have been defensible; but the attempt to enforce it by assailing or undermining the constitutional prerogative of the Senate is another matter. Having failed in numerous private conversations and in a public conference to convince a sufficient number of Senators that they should yield to the President's demand, he personally took the field and proceeded to an open, violent, and bitterly vituperative attack upon the Senate as a means of carrying his point.

In pressing the necessity for immediate peace and the impossibility of reopening any question in the Peace Conference,—although still in session and transacting business,—the President was merely bringing to an issue his theory that it lies in the power of the Executive to create a

situation so embarrassing to the Senate that it may be forced to surrender its constitutional right and fail in the free performance of its duty.

This issue should be squarely met and its far-reaching implications should be made plain. It is, in fact, one of many efforts to break down constitutional government, and by direct action to concentrate power in the hands of the Executive.

In his denunciation of the Senate as a perverse and refractory body, the President has declared that he represents a cause "greater than the Senate, and greater than the Government." He might with equal consistency and decency say upon another occasion that he represents a cause greater than the law. The cause he is contending for is this particular unmodified League of Nations, which is not at all the "general association" which he commended and desired. This League, he proclaims, is of greater importance than the Government of the United States, which it may, therefore, if this be true, at any time properly subordinate and overrule.

It is against the reservations which the Senate would offer as a bar to this subordination that the President raises his voice of protest. If these reservations do not really modify the obligations incurred, why should he object to including them in the act of ratification? If, on the contrary, this subordination of American independence might occur without them, how can the Senators honorably ratify the Covenant of the League without these reservations? Yet, as a last act of intimidation, in order to force upon the Senate the acceptance of the entire Treaty without change, the President has stated that, after the Senate has acted, it would be entirely in his own hands to issue or withhold the act of ratification; thus intimating that if it did not please him in its final form he could defeat it altogether! The attitude of the President, therefore, is that at *no time* shall the Senate be permitted freely to perform its constitutional duty, which is equivalent to saying that one man can absolutely determine the future destiny of the United States.

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